

AGENDA EXCOMM MEETING

**Trusts and Estates Section
State Bar of California**

**SATURDAY, FEBRUARY 14, 2004
SFO WESTIN — SAN FRANCISCO
9:30 A.M. to 3:30 P.M.**

I. WELCOME, INTRODUCTIONS AND REPORTS OF CHAIR/VICE CHAIR

- 1. Welcome** [GODSHALL]
- 2. Approval of Minutes of January Meeting** [GODSHALL]
- 3. Report of Chair** [GODSHALL]
 - (a) In Memoriam Donations - Janet Reese; Bill Schmidt
- 4. Report of Vice Chair** [FITZPATRICK]
 - (a) MCLE Segment for ExComm Retreat
- 5. Report of Section Administrator** [ORLOFF]
Administrative Matters

II. ADMINISTRATIVE MATTERS

- 1. Finance and Budget – Financial Report** [FITZPATRICK]
- 2. Council of State Bar Sections** [OLDMAN]
 - (a) Report on January meeting
- 3. Nominating Committee Process —** [OLDMAN]
 - (a) Extended Deadline of February 18
 - (b) Status of Applications
 - (c) March meeting of Nominating Committee

III. COMMITTEE, TASK FORCE AND LIAISON REPORTS

- 1. CLRC Committee** [MOORE/WOLFF]
 - (a) Report on CLRC meeting
 - (b) Legal Malpractice S/L
 - (c) Other pending or looming CLRC projects
 - (d) Shares of Omitted Spouse (Work on Abatement Statute Deferred)
 - (e) Uniform Trust Act/Prof. English Report
- 2. Trust & Estate Administration Committee** [DOCKER]
 - (a) Clarification of PFAC Bill [MacDonald]
 - (b) Recording Notice of Change of Trustee [Hartog]
 - (c) Unitrust Safe Harbor Project Progress re 90/10 Rule re Certain Trust Receipts [Burger]

- (d) Exploratory workgroup on graduated probate filing fees **[Potts]**
- (e) Trustee bond waiver/PC 15602

3. Quarterly

[HANDELMAN]

- (a) Fall 2003 Issue status
- (b) Winter 2003 Issue status
- (c) Solicitation of articles
- (d) Advertising **[Burger]**

4. Incapacity

[HARRIS/STERN]

- (a) Legislation
- (b) B&PC § 6068.5 — Attorney role in helping at-risk clients **[Lodise]**
- (c) HIPAA Issues working group
- (d) Ongoing projects:
 - (1) Conservator investment powers – reform of PC § 2574
 - (2) Appointed counsel for the already represented – amendment of PC §§ 1470-1471
 - (3) Conservator independent powers – PC §§ 2590-2591
- (e) AB 1101 Task Force **[Lodise]**
- (f) PC 1900-1901 Amendment working group
- (g) DHS – Revamping of Medi-Cal law

5. Membership

[ALBERIO]

- (a) Membership count
- (b) Letters to new Bar admittees

6. Sales & Marketing

[ALBERIO]

- (a) Replacement of Janet Reese
- (b) Marketing of education programs

7. Legislation

[POTTS]

- (a) Report on pending legislation
- (b) Legislative proposals submitted to State Bar for next year
- (c) State Bar Webpage & Online Bill Tracking legislative information:
Larry Doyle's Legislative Information Page:
www.calbar.ca.gov/calbar/html_unclassified/ViewBillCatalogues.html

(d) **IMPORTANT GUIDELINES:**

- Please use approved format for legislative proposals.
- Please Use Comment form for comments on legislation as a member of EXCOMM.
- Always write to Larry Doyle, not directly to a member of legislature or legislative staff.
- If you agree to testify, be there unless otherwise notified.

8. Income and Transfer Taxes

[ALLEN]

- (a) State Legislation of Note
- (b) Federal Legislative Developments
- (c) Status of Bd/Equalization re Domestic Partner Transfers
- (d) Uncoupling of Estate Tax with California Estate Tax

9. Education

[KOONTZ]

- (a) Report on Winter SEI Programs
- (b) "Stand-alone" programs:
 - (1) Repeat of Mock Trial Program – April 2004 in LA
 - (2) Fundamental "How to Prepare The Form 706" [June 2004]
- (c) Status of programs for 2004 State Bar Meeting/Fall Road Show

10. Ethics Committee

[WOLFF]

- (a) Report of Liaison to Revision Commission
- (b) Update of Ethics Guide — Handout Assignments-Status

11. Estate Planning Committee

[BEAMER]

- (a) 2 Year Bill re Posthumous Children, AB 695
[Sinsheimer]
- (b) AB 205/Domestic Partner Subcommittee **[Payne]**
 - Proposed revised and new PC sections re domestic partners
- (c) PC 21350 Care Custodian Project

12. Litigation Committee

[KOVAR]

- (a) No Contest Clause Project **[Kovar]**
- (b) Multiple-Party accounts – CLRC study **[Moore]**
- (c) Will/Trust Contest Procedures Subcommittee
[Kovar]
- (d) Evidence Code 1260 Project **[Wolff]**

- (e) ADR Model Rules **[Henden]**
- (f) New cases **[Henden]**

13. Computer/Internet

[HANDELMAN]

- (a) Listserv

14. Conference of Delegates

[MOORE]

15. CEB

**[DENNIS-
STRATHMEYER]**

- (a) Upcoming Programs
- (b) Ads in CEB publications

16. NCCUSL Observers

- (a) Uniform Trust Act
- (b) Uniform Institutional Management of Funds Act
- (c) Uniform Allocation of Tax Act - Birnberg

17. Educating Seniors

[TONG]

- (a) Revision of Senior Hotline Transcript **[Potts]**
- (b) Seniors and the Law Brochure - Chinese, Vietnamese, Korean & Tagalog translations **[Tong]**
- (c) New Financial Elder Abuse Brochure **[Tong]**
- (d) Speaker's Bureau **[Tong]**
- (e) Use of AMA Funds

IV. COMING ATTRACTIONS

NEXT EXCOMM MEETING

**March 20, 2004
LAX CROWNE PLAZA — 9:30 A.M. to 3:30 P.M.**